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BY THE SENATE,

January 6th, 1860.

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MESSAGE

OF THE

GOVERNOR OF MARYLAND,

TO THE

GENERAL ASSEMBLY.

JANUARY SESSION, 1860.

ANNAPOLIS:
BEALE H. RICHARDSON,
1860.

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Senate

MESSAGE.

GENTLEMEN OF THE SENATE

AND OF THE HOUSE OF DELEGATES:

I cordially welcome you to the discharge of the high and important duties which devolve upon the General Assembly, after the long interval which the Constitution has placed between its sessions. The fast increasing population of our State, the rapid extension and variety of her interests, the development of her resources, and the protection and encouragement to enterprises, needed for progress in her commerce and manufactures, in her mining and agricultural interests, seem to require the more frequent assistance of the Legislature, whose attention is, from the peculiarities of our system and position, constantly taxed by the needs of local legislation and private laws, to the postponement, and even exclusion of great public measures, affecting the interests of the whole State.

Since the adjournment of the last General Assembly, the question of calling a Convention to amend or alter the Constitution of the State was, in pursuance of the law passed to that effect, submitted to the people, who, on the 26th day of May, 1858, by a majority of 8,924 votes, decided against the propriety of that measure.

The votes in favor of calling such Convention were 15,352, against it 24,276, in the aggregate making 39,628 ballots, and showing, from the whole number, that there were many citizens who did not think it worth while to express an opinion upon so important a question.

This resolution has, therefore, made more than ever important the short period prescribed by our fundamental law, at long intervals, for the grave duties of the law making power. The experience of the past renders economy in the use of that short term indispensable; and all dispatch that is consistent with proper deliberation in passing laws, is made more than ever imperative by the acknowledged necessities of the public service.

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To you, gentlemen, recently elected by the people, fresh from among them, aware of their needs, and representing their wishes, the particular wants of your respective constituencies are doubtless sufficiently well known. But there are other requirements of the State, and remedies needed, to which it is my duty to call your attention, in pursuance of the obligation imposed on me by the Constitution, to "inform you of the condition of the State, and recommend to your consideration such measures as I may judge necessary and expedient."

Foremost in importance, because of its relation to the public faith, is the condition of the State finances; and it is satisfactory to be able to declare that the State is, in this respect, in a position that abundantly testifies to the wisdom of the legislation which has secured such result, and the faithfulness of the officers who control her Treasury.

The report of the Comptroller, addressed to me during the recess, exhibited the condition of the State on the 30th of September, 1858; by which it appeared that the whole Funded Debt of the State, as of that day, was nearly fifteen millions of dollars, ($14,862,510.26,) against which is to be reckoned the four millions of the Sinking Fund, showing the amount on which the State now pays interest to be about eleven millions of dollars.

This amount, under the operation of the Sinking Fund, is constantly diminishing, and every citizen may refer with pride, as well as satisfaction, to the certainty thus shown, of the ability of the State, not only to regularly meet her accruing obligations of interest, and her responsibilities to the public creditor, but of rendering her securities yearly more valuable, by the gradual absorption of them, and their final extinguishment, if we will only persist in the prudent financial policy which has led to these results.

The Sinking Fund was still further increased during the year ending on the 30th of September, 1859, to the aggregate of more than four and a half millions, ($4,582,975.22;) and a comparison of these with the previous figures, showing an increase of $359,701.45, demonstrates that a few years' continuance will entirely discharge the indebtedness of the State. That indebtedness for years, hung like a heavy burden on the people, whose representatives were induced to lay so heavy a charge upon them, in the hope of developing the resources of those regions through which the great works of public improvements were to pass, as well as in the intention of making investments which should be profitable to the State, or at least return to her Treasury the sums drawn thence for interest to her bondholders. In this hope, so far as the great Railway which unites her chief seaport to the West, is concerned, the confidence of her legislators was and is completely justified; and her investments in Bank stock have been profitable, while

the arrangements which settled the indebtedness of some other works of Internal Improvements have, thus far, prevented their since becoming a burden upon the Treasury.—But nearly fifteen millions in amount of the capital and credits belonging to the State, equal to her whole indebtedness, consists in unproductive and inactive capital, from which there seems to be no hope of realizing anything under the present state of affairs. Of this amount, of fifteen millions of dead capital, for which the State gets no return, more than fourteen millions represent the indebtedness of the Chesapeake and Ohio Canal Company for stock subscriptions ($5,000,000) and for arrears of interest ($7,497,814.29), paid by the State thereon, to which is to be added two millions of dollars in bonds. Nor does there seem, from the report of the President and Directors, any prospect of reimbursement. On the contrary, there appears, from the experience of the past, a certainty that the arrears must go on to accumulate, and the original subscription of the five millions continue to remain worthless to the State. Under such circumstances, if I thought the Constitution permitted a transfer, I should not hesitate to recommend a sale of that work, or of the State's interest therein, since such a course has been adopted with the most satisfactory results in other States. Their experience of such things has been, like our own, that after those great and important works of public improvement for the development of State resources have been secured, by public aid, the most profitable results and economical management of them are surest when governed by those considerations only which control all other investments for profit and return.

The provision of our Constitution that so soon as the public debt shall be paid off, it shall be the duty of the Legislature to cause to be transferred to the several counties and the city of Baltimore, stock in the internal improvement companies, equal to the amount respectively paid by each, toward the erection and completion of said works; and the inhibition upon any further State subscriptions to any other internal improvement companies, while it, in my opinion, forbids, meantime, the sale or transfer of any stock then (and now) held by the State, in any of the then internal improvement companies, would not, so far as I can learn, prevent the General Assembly from making the Canal more available to the Treasury, by a lease for a term of years or, by some other arrangement with some responsible parties, under proper legal safeguards, by which that great work might be rendered at least not useless or unprofitable.

We have had lessons sufficient to teach us the folly of embarking in enterprises which hold out no inducement of return, even if we were not restrained by the Constitutional in-

hibition that "the credit of the State shall not be given or loaned, *in any manner*, to or in aid of any individual, association or corporation, nor shall the General Assembly have the power, *in any mode*, to involve the State in the construction of works of internal improvement, or in any enterprize which shall involve the faith or credit of the State; or make any appropriations therefor."

The State's active and productive capital and credits amount to more than eight millions of dollars. Of this sum nearly four hundred and seventy thousand dollars, ($468,406.66) consists of stocks of various banks, upon which the annual dividends have amounted to nearly thirty-eight thousand dollars, or eight per centum annual return. Three millions of dollars are in the shape of preferred stock in the Baltimore and Ohio Rail Road Company, upon which six per cent. interest is assured, meeting the yearly indebtedness of the State therefor; five hundred and fifty thousand dollars in stock of the Washington Branch of that Road pays from nine to ten *per centum;* while the six hundred and eighty-five thousand six hundred dollars invested in the stock of the Ohio Road have, under the judicious economy of the present management, yielded a regular, and promise a constant return to the Treasury. If to these sums we add the payments by that Company for one fifth of the receipts from passengers over the Washington Branch, about $76,000 yearly, we shall find, that of all the investments the State has made, none have been more profitable, even in the return of money, than the sums subscribed and advanced for that great enterprise, without which we should have no share in the trade or travel of the great West. The management of that great corporation, its rates of freight, its tolls, indeed, all its policy are highly important to the State for civil, as well as financial, reasons; and it is gratifying to see the results set forth in the late report of the Board, which presents decreased working expenses, full maintenance of its rolling power, and diminished number of accidents, as the consequences of a more complete system of reform, although inaugurated at a period of low rates of transportation, and lessened commercial movement. From the promised increase of trade, the new inducements and advantages offered, and from perseverance in a proper economy, with the experience and recognized ability of its present management, the most favorable results may be confidently anticipated.

The total receipts into the Treasury for the year ending on the 30th September last, were one million two hundred thousand five hundred and fifty-two dollars and seventy-seven cents, while the whole amount of disbursements for the same period was one million one hundred and twenty-nine thousand three hundred and sixty-nine dollars and sixty-two cents.

The near coincidence of these amounts, while they should prevent any other than necessary appropriations, indispensable for the public service, warns also against any immature reduction of the direct tax. After years of heavy impost, cheerfully borne, to respond to engagements, and uphold the the plighted faith of the State, a wise economy in the Legisture, the gradual increase of wealth in the State, the development of her resources and the activity of her citizens, enabled the General Assembly of 1856 to reduce the direct tax one third. It is now but one tenth of one per cent; an impost that is hardly felt, and upon a basis of taxation which, (except in the city of Baltimore, where a new assessment has just been completed) confessedly does not represent the increased or new values of land, and of all other property.

In view, therefore, of the needs of various public institutions, the necessities of some of which, as of the Penitentiary for the suppression of crime, and of the Hospital for the protection of the Insane, are of the most pressing character; and which can no longer be postponed without discredit and dishonor I do not feel at liberty to recommend a reduction of so light a State tax as that which now weighs upon no interest unduly.

When I had the honor of addressing the General Assembly, on assuming the duties of my place, I called their attention to the provisions of our penal code, the insufficiency of the punishment awarded to some offences, the absolute impunity secured to many; its unjust, indiscriminating severity against others, its inadequacy, and the urgent necessity for reform in this matter. I respectfully renew those suggestions to you and earnestly call upon you to make such changes and reforms, as shall to you, the rightful judges, upon inquiry, seem expedient to be made in the Act of 1809, and its various supplements.

The report of the Commissioners to codify the Statutes of Maryland, now about to be laid before you, offers a suitable opportunity for, and invites the introduction of those changes, which are indispensible to make our laws comport with the requirements of this present day; with the progress society has made since its enactment; with the demands of humanity and mercy looking to the cure and prevention of crime, as well as of justice, in the punishment of the criminal.

I see no reason why there should not be shorter terms of service in the Penitentiary than two years or eighteen months, the minimum now allowed by law; at least as long as we have no House of Correction for the offences of lighter grade. And I fail to perceive the necessity or the propriety of that enactment which prevents, in all cases, the discharge of convicts between the months of October and April.

The design and intention of this was of course humane. It

was that the necessities of the inclement season might not tempt a discharged convict to a renewal of his offence. But if the fresh memory of his imprisonment, the fear of its renewal, and the lessons then learned (if any) for good during his incarceration, cannot prevent an immediate repetition of his offence, the only result of that provision, upon principle and by experience, is to overcrowd the prison, at a season when the cost of maintenance and clothing bears hardest upon its finances.

Better far would it be to require, in all cases, such extra labor as is now willingly rendered by many, during their term, to be paid for at the discharge, and sufficient to secure the transit of the party to some region where labor would be more renumerative and temptation less frequent.

In other States it has been found advantageous to allow terms of service, for the smaller offences, so short as six months; and no ill results have come of this, even in New York, where, after so short a term and a return to that great and overcrowded city, with its multiplied temptations, evil influences and chances of escape, recommitments, it seems, are not more numerous, in proportion, than they are with us. Indeed I am satisfied that in those cases where a reform is possible, a short term for the lesser offences is more advantageous; since, by it, a sufficient opportunity is given the criminal to know the horrors of seclusion, while his term is not so long as to induce despair; to blot out all good by evil associations, or to indurate him, and destroy pride or lingering self respect and the chance of reform. To punish small thefts, in all cases, with a term of eighteen months or two years is, in my opinion, unjust; and I felt compelled to interfere in some cases of this kind, where the law worked gross injustice; in one, especially, where though it was known at the trial that the petty theft was committed by one unable to procure work, surrounded by children crying for bread, to save whom from starvation a brass coupling was purloined, the term of eighteen months was given as the shortest allowed by law.

It seems to me it would be better to punish a first offence more lightly, and more justly; so as to prevent a second, which, thus committed against full warning, should be visited in all cases more for the safety of society, than out of consideration for the criminal who had thus shown himself incapable of, or unwilling to reform.

But I still think the increase of crime amongst us, which is undeniable, and which goes on to increase notwithstanding these severe enactments, is to be attributed not more to these defects, to which your attention has been invited, than to the unwillingness of those whose duty it is to apply them. Sometimes this may arise from too much severity in the law; for an unwillingness to visit a dreadful penalty, on a light offence,

under extenuating circumstances, or for the first time committed, is not unnatural.

But, ordinarily, there is too much leniency shown to crime, too little regard for the welfare and safety of society; and it would not be difficult to name instances where the trivial sentence unwillingly pronounced, against a flagrant outrage, seems to offer inducement to crime, rather than terror for its commission.

An effective law against the carrying of concealed weapons is loudly called for. It is an offence that ought to be punished with a severity that will abolish this pernicious custom, which offers constant temptation to, and the ready means of, murder or deadly brawl; upon every occasion where men are excited by drink, or passion, or the heat of political opposition.

The frauds upon the elective franchise form a common subject of complaint in different parts of the State. The provisions of the Constitution and the Statute Book are found insufficient to prevent, what ought undoubtedly to be regarded as, one of gravest offences against the sovereignty of the State and the highest rights of the citizen.

It is unquestionable that in those counties bordering upon neighboring States, and in our large and populous city, as in every other in the country, which is without proper safeguards, fraudulent votes have been cast, at all our elections, by some dishonest persons who are residents; and by non-residents who, of course, are not by law competent to vote, and who take their chances for security or impunity in the great crowd, or in the fact of their residence beyond our jurisdiction.

It has always been thus, and so it will continue to be, a growing evil of great enormity, until some thorough, efficient remedy shall cut up the root of it—shall prevent the use of money or intimidation at our elections; shall precisely define those who alone are competent to exercise the elective franchise, and shall deter, by adequate punishment, any attempt by those not so ascertained, to defeat and defraud the just expression of the popular will. To these should be added, if the remedy is to be co-extensive with the evil, provisions for the ascertainment of residents within each election district, ward or precinct; for closing, on days of election, under penalty of a fine and the annulment of its license, each place for the sale of spirituous and intoxicating liquors; and which should provide for the instantaneous arrest and *detention* of all who should be shown to exhibit arms or deadly weapons near any place of voting, or who should attempt to hinder or obstruct free access thereto.

The condition of the arms and weapons of war belonging to the State, which have been from time to time received in

the distributions by the Federal Government, demands your attention.

The reports from the armorers at the State armories at Frederick and Easton, shown in connection with that of the Adjutant-General, are herewith submitted.

By the law, as it at present exists, the Adjutant-General is required to furnish arms, when applied for, and when available for that purpose, to all volunteer uniformed companies. At various times, resolutions have been passed by the General Assembly, directing the furnishing of stands of arms from the State armories to different academies, for the purpose of military drill, or to companies in various parts of the State, without requiring any bond for safekeeping or return. The result of this has been, the waste and squandering of the public arms, without any corresponding benefit to the public service; and the useless stripping of the armories left thus unprovided for cases of emergency.

We have seen in events lately transpiring upon our own borders, cause and warning for prompt legislation in this matter.

Notwithstanding the requirements of the first Section of the ninth Article of the Constitution, by which it is made the duty of the Legislature to pass laws for the enrolment of the militia; to provide for the districting the State into divisions, &c., and to pass laws for the effectual encouragement of volunteer corps, by some mode, which may induce the formation and continuance of at least one volunteer company in every county, and Division in the city of Baltimore; yet, with the exception of the act of 1853, chapter 343, relating exclusively to that city, no law has been passed by the General Assembly to this end. At the session of 1856, an effort was made to re-organize the military; a bill was introduced, but was not perfected, and failed to become a law by reason of the press of other, though certainly not more important, business.

It is of great importance to our security and the safety of our institutions, that the military arm should be in constant readiness for effective service; and though they are the most fortunate governments, which never need its assistance, we are admonished that the best preventive of disaster is the being forearmed against its coming. I respectfully invite your attention to this subject; and to the necessity for a thorough re-organization of the State militia; provision for the retaining always in the State arsenals a given number of arms of each kind, and a recall of all arms heretofore distributed to academies or companies, in which they are not now in actual use. I have already taken such measures as I thought the Executive empowered to adopt, and have collected and had returned to the care of the Adjutant-General here, a considerable number of arms belonging to the State.

I have observed with satisfaction, that in some of the counties, the permissions granted to free negroes to bear, or keep arms, has been revoked by the Judge of the Circuit Court; and I again call the attention of the General Assembly to the necessity, now greater than ever, for further legislation in regard to the free negro population in many of the counties. In the large city and towns, and in the counties in the Northern portion of the State, this evil is not felt as it is in the lower counties, on both shores, where the community is taxed to support their idleness and vagrancy, and is subject to their pilfering, and the ill effects of their evil example on the servile population. A law which should require every free negro to be engaged in some employment or business; or be bound out, under proper safeguards, protection and wages, just treatment, and the liberty of change and choice that is theirs, is among the wants of the people of this State.

The people of the counties upon the Bay have had great reason to complain of the infringement of their rights, and invasions of their property, by adventurers from other States, who openly violate the statutes, which protect the privileges of our citizens, in the waters and tributaries of the Chesapeake. The fisheries have always been important; and as a great portion of the labor of securing and curing fish had to be done on the shore, rights there were early settled, and are rarely now disturbed. But the trade in oysters is one which is comparatively recent; and which has, since the means of rapid conveyance to the West are perfected, grown to an extent and importance, hardly credible to those who have not seen the proofs. Large numbers of families now depend upon it, and the successful prosecution of this traffic has opened a new source of wealth and employment to whole communities.

The General Assembly has, at various times, passed laws prohibiting the use of improper instruments and modes of taking them, by which as many more are destroyed in the beds; and has inhibited, under severe penalties, of confiscation of the offending boats, the taking of oysters within the waters under Maryland jurisdiction, by non-residents and persons not thereto licensed or authorized. The validity of these enactments has been upheld by the Supreme Court of the United States, (18 Howard Rep.,) which has declared the competency of the State authority in this matter. But these enactments fail to render the protection needed for this interest, by reason of the easy escape of offending vessels, and the difficulty of detection. The few captures that have been made, have been secured by the sudden appearance of an officer, on board a steam-vessel, which cut off the hopes of escape; and this has suggested to me, that a most efficient and complete protection to our citizens and their rights, could be given by the purchase or building of a small steamboat, fitted for this service; which,

manned by proper officers, could be always on the alert, and would soon clear our waters of these marauding intruders. The expense of this would be far more than trebly reimbursed to the State, immediately and directly, by the imposition of a trival tax, or duty, upon the State license to take oysters within named limits, which would be issued only to residents; and, without which, any person or boat found so engaged would be liable to the penalties now imposed. Some small tax, as for instance of a few mills per bushel, would be gladly paid in return for such exclusive privilege and protection; and there can be no just reason why a fund thus raised, should not be devoted, as in the case of the Tobacco Fund, to the upholding so important an interest.

By the provisions of the Constitution, no lottery was to be drawn in this State after April, 1859.

It was thought that this provision, with the penal enactments made against the sale of tickets, in lotteries not authorized by this State, (which then received a large sum annually for the continuance of this traffic,) would suffice for its suppression. But it has been decided by one of our Courts, that these enactments do not apply; and that there is no penalty or punishment provided for the infraction of this Constitutional prohibition. It is for this General Assembly, with whom the responsibility rests, to determine whether this prohibition shall be vain, and the traffic in lottery tickets continue among us.

In June last, Emanuel Myers, a citizen of this State, residing in Carroll county, duly appointed agent and attorney for the owners of certain runaway negroes, who had fled into Cumberland county, in Pennsylvania, and were residing there, not far from Carlisle proceeded to that place; and finding there that the United States Commissioner had shortly before resigned his place, and that there was no one then to issue the proper warrant, under the Fugitive Slave Act of 1850, took the negroes peaceably, as he had a right to do, brought them into this State, and delivered them to their owners in Frederick county. Thereupon the sheriff of Cumberland county, in Pennsylvania, with a warrant issued by a justice of the peace in Pennsylvania, upon the oath of a free negro, charging Myers with kidnapping, came into this State, and, at Westminster, concerted a plan with the driver of the mail stage from that place to Littlestown, (Pa.,) by which Myers, who resides immediately on the State boundary line, was decoyed, by the false pretence of a letter held up for him, over into Pennsylvania; and there, but a few rods from his house, whence his family witnessed the outrage, was suddenly seized by the Sheriff of Cumberland county, who roughly treated, bound him and hurried him to jail at Carlisle. An indictment was found against Myers and others, for kidnap-

ping, under a certain Act of Assembly of Pennsylvania, passed in 1847, and the trial continued to the November term of their Court. I made application, detailing all the circumstances of the case, to the Governor of Pennsylvania, for a *nolle prosequi*, which I thought would be the proper answer to a proceeding begun for such cause, and continued through such incidents. This was not granted; and, considering the importance of the rights involved to our citizens holding slaves, which are frequently induced to run off to Pennsylvania, where they are constantly aided, harbored, and protected against the lawful claims of their owners, I thought it due to these interests to appoint some eminent counsel to represent the State at the trial. I therefore requested Jonathan Meredith, Esq., of Baltimore, to proceed to Carlisle, as Counsel for this State, to defend there her interests, and to afford also the aid of his advice and counsel in the defence of Myers. The result of the trial was the conviction of Myers alone, under the act referred to, which, I am informed, appears to have been framed specially with the intent to evade the decision of the Supreme Court of the United States, in Prigg's case, carried up by consent of the two States, upon a case agreed, in order to settle the rights of those whose slaves fled into Pennsylvania to recapture them without the hindrance of the State authorities or penal laws. An arrangement has also been made, I understand, since the conviction, by the counsel of Myers, under which he has been discharged, upon his own recognizance, to appear for sentence; which will not be moved for, since he has purchased, and restored to their residence in Pennsylvania, the slaves whom he had taken under the guarantees of the Constitution of the United States. The counsel for this State has sued out, by my direction, a writ of error from the Supreme Court; so that the validity of the Pennsylvania Act, which presumes to punish as a crime the lawful recapture in that State, under the Constitution of the United States, of fugitives from service, may be tested in that Court; and so that rights, which are of the highest importance to our citizens, may be vindicated by the highest tribunal in the land. I respectfully ask that you will make an appropriation, consonant with the importance of the case, to compensate the Counsel for the State, and discharge the expenses incident to this proceeding.

The attacks of fanatical and misguided persons against property in slaves, and the warfare carried on by certain parties in the States north of us, against the rights of citizens in those States which still retain the institution of slavery, were formerly confined to a few; who were forced to content themselves with refusing assistance to, or placing obstacles in the way of, our citizens, who proceeded to those States, under the guarantees of the Constitution, to recover their property.

These attacks have now assumed the more dangerous shape, not only of organized political conspiracies, to prevent the exercise of that right, and of refusing, under penalties and political degradation, the assistance of their civil authorities; but the supreme power in some of those States, by their Legislature, has passed laws, under which they have attempted to convict; and have succeeded in convicting; and have threatened with infamous punishment, and confinement in their penitentiaries, those of our citizens who, upon a lawful errand, using the means and appliances secured by the Supreme Law of the land, have recaptured and taken back to the jurisdiction, whence they had been decoyed or stolen, the fugitives whose safe restoration is guaranteed by that law as their property. No grosser outrage, no more complete and disgraceful violation, not only of good faith, but of solemn compact, and sworn duty under it, can be imagined.

Nor have the wilder of that sort stopped here. We have seen a neighboring State invaded by a band of miscreants, who attempted insurrection, and threatened the horrors of a servile war; and who have justly paid the penalty of their crime in the forfeiture of their lives.

The Governor of Virginia informed me that he had reason to believe an effort would be made, by parties in Pennsylvania, to pass across our State into Virginia, to rescue those men from the custody of their authorities; and notwithstanding my own repeated inquiries gave me no reason to suppose or suspect such an attempt, I thought proper to take such precautions as should secure the capture and detention of any such bands, or of suspicious persons; but deemed it prudent to take them in such mode, as should not add to the alarm and apprehension, which some designing persons, for ends of their own, endeavored to increase in the public mind.

While I approved, therefore, of the steps taken by Major General Steuart, of the Light Division in Baltimore, in despatching troops to the scene of the outbreak upon receipt by him of the intelligence; and of the aid rendered by the military in Frederick county, I also directed the Sheriffs of Washington, Allegany, and Frederick counties to guard the State boundary, on the Pennsylvania line, and along the Potomac River, summoning to their aid a sufficient number of deputies, to preserve the public order, to arrest and detain all suspicious persons, strangers, and others, who could not give a proper account of themselves, or who should be travelling armed, or in such numbers and in such manner as to excite reasonable suspicion of the lawfulness of their purpose. Those officers promptly acted in the matter; and the result was a continued quiet and a perfect peace among ourselves, which was not elsewhere secured by military parade and the rigor of martial law.

Some provision should be made for the discharge of these expenses, necessary for the protection of the State.

In pursuance of the provision heretofore made for retracing and marking the Western and Southern boundary line between this State and Virginia, I appointed Thomas J. Lee, Esq., of Baltimore county, late of the U. S. Topographical Engineers, Commissioner on the part of Maryland, in the place of Col. Geo. W. Hughes, who had resigned. It was satisfactory to be able to find one so eminently qualified as Mr. Lee, by education and experience, for this important service, requiring the greatest attainable exactness and scientific precision; and the result of the labors thus far of the two Commissioners, who had the assistance of Lieut. Michler, of the U. S. Topographical Bureau, is laid before you in the report herewith submitted. It will be necessary to make an appropriation to carry on and complete this work, which has been too long left uncared for, and which can now be consummated with a precision and certainty that will forever close all question of title and jurisdiction.

The report of the directors of the Maryland Penitentiary is also herewith submitted, from which you will learn the improved condition of that Institution, and the indispensable necessity, if it is to be retained, of providing at once for its freedom from financial embarrassment, and of making such further provision for security and safekeeping, as the increased number of convicts require. This want has long been felt; has been repeatedly pressed upon each succeeding General Assembly, who have, in their appropriations, contented themselves with patching up past deficiencies, instead of meeting the pressing demand for such relief and provision as should make it free of such necessity. Your inspection is needed and invited there, to satisfy you of the necessity of such measure as your wisdom may judge expedient.

The Hospital for the Insane, the Asylum for the Blind, also have claims upon the State, which cannot be disregarded. These noble charities have a right to support from the State. They should be cherished and furnished with the means of extending their usefulness, and absolute relief to the State, which should not dole out to them some small stipend, by way of getting rid of an importunity. Their rightful claims to public support should be acknowledged and met, in return for the great good and service they do the public.

The same remark applies to the necessity of further provision for the education of the Deaf and Dumb. Maryland is sadly behind other States in this respect; and a pressing demand is for a law requiring a levy upon the counties and city for the support of this class of unfortunates.

The House of Refuge, for juvenile delinquents, has received aid from the State, for which it has rendered the best possible

return, in diverting from the paths of crime to usefulness and industry, many who would hereafter add to the expense of her Penitentiary. So prudent an expenditure, and such true economy, is that which pays for the *prevention* of crime; that no appropriation ever made by the General Assembly has been put to better use.

Liberality in such things is the surest economy in the end; and I respectfully recommend all these institutions, and their claims, for such aid as the sound condition of the State finances permit, and the exigencies of the public service require.

I also submit, for your information, the report made to me by John H. Alexander, Esq., who was commissioned to procure certain documents relating to the history of the State, in pursuance of an Act of the last Assembly, passed on the recommendation of my predecessor in office. From it you will learn the condition of this matter; and from the report of the Rev. Mr. Allen, whose thorough acquaintance with the State records and archives, made him the fittest person to express an opinion, you will see the state of these, and the necessity and propriety of some step for their future preservation and the publication of the more important documents. Their recommendations deserve your consideration, and invite your speedy action.

The last General Assembly provided for the building a fire-proof place of deposit and Record Office, where important documents and papers belonging to the State could be preserved, without risk from fire, which, at that session, had threatened to destroy the State House. They also made provision for the repair and improvement of the State House, and for heating it without the risk of fires within the building. You will not fail to perceive that these most desirable improvements have been made, as far as the appropriation permitted, in the most satisfactory manner. The Hall of Delegates has been greatly enlarged; the wing in which the Library is kept rebuilt; the Court of Appeals provided with suitable accommodation, and the whole building made more comfortable and convenient. The Northern portion of the main building, containing the Senate and Executive Chambers, needs extensive repair, for which it is necessary that you should make provision. I venture to suggest that an indispensable condition in such appropriation should be, that the Senate Chamber, with which are connected so many associations and Revolutionary memories; and which is justly admired for the beauty of its proportions and decorations, should in none of these respects, and in no way whatever, be changed or altered; that there should be only a renewal of what is useless or decayed, in an exact repetition of the part taken away, so that the room may remain as it was when the Congress of the Confederation sat there, and on the day when they received

again the commission under which Washington secured the independence of the Republic.

The care of the State House and the public grounds is now, by a variety of laws, resolutions and orders, left to different hands, not responsible to any officer having the whole control, care and responsibility. I recommend the passage of a law, such as prevails in every State, having a just pride in the preservation of her Public Buildings, repealing existing regulations, and providing for the appointment of the necessary watchmen, keepers of the House and grounds, by some competent authority, to which they should be directly responsible for the efficient discharge of their duty, and the proper care and good order of the public property; and making a regular appropriation, as now, therefor, to be expended under the direction of the appointing power.

The vouchers for the expenditures made out of the regular Contingent Fund, at the disposal of the Executive, are ready, with the accounts, to be laid before the Committee to be appointed for their examination; as well as those showing the use of the sum appropriated, as usual, in 1858, for the re-furnishing and repair of the Government House. It will be seen that this was almost entirely absorbed in the repairs, which, from the lapse of time and decay, had become indispensable for the preservation of the outside walls and the building itself. I preferred to submit to the inconveniences of insufficient furniture, in order that the property itself might have more thorough repair before many of them should be too late.

The various reports and returns which have been made to me, and which are necessary for your more complete understanding of the condition, in detail, of various branches of State service, are herewith submitted, as well as certain resolutions passed by other States, requesting that copies should be laid before this General Assembly.

I have thus, gentlemen, laid before you the information I have of the condition of the State and the public wants. Many of these are pressing, and will require appropriations of considerable sums, which, applied now, will save larger sums hereafter. The necessity for these expenditures, which have to be met, renders economy indispensable, and strengthens the suggestion I have laid before you, that it would be unwise, prematurely, to lessen the State Tax, while such necessities exist. That is not relief which takes off a burden for a moment, only to impose a heavier one hereafter. When the good of the State demands it, a light one is cheerfully borne; especially when it is remembered that so it must be to enable us to keep our faith, respond to the demands of the public service, and the claims of public charity and duty. It is required, also, to enable the State to comply with her duties of protection to her own citizens, and to place her equal

her sister States, in progress and condition, in that great Union, for which she sacrificed so much; which recognizes and is bound to protect the rights of all and each; and which will continue, under the blessing of Providence, to work out its glorious destiny, despite the idle threats and vain fears of those whose only safety is within its ample protection.

THOMAS HOLLIDAY HICKS.

GOVERNMENT HOUSE, *January 4th*, 1860.